

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Crim. No.13-10200-GAO
)
DZHOKHAR A. TSARNAEV,)
Defendant)

|
**OPPOSITION TO DEFENDANT'S MOTION TO
ENLARGE TIME TO FILE CHANGE OF VENUE MONTION**

The United States of America, by and through its undersigned counsel, respectfully opposes defendant Dzhokhar Tsarnaev's motion to enlarge time to file a change of venue motion. The motion should be denied because Tsarnaev has had ample time to file a change of venue motion and further delay will jeopardize the November 3, 2014, trial date.

Tsarnaev has known from the date of his arrest that he might want to move for a change of venue. Yet, more than five months later, at the September 23, 2013 status conference, when the Court asked Tsarnaev's counsel if they planned to seek a change of venue, they replied, "We just haven't really thought about it." Accordingly, at the November 12, 2013 status conference, the Court allowed Tsarnaev four months (until February 28, 2014) to file such a motion. Subsequently, at Tsarnaev's request, the Court extended the deadline by nearly another four months (to June 18, 2014). Tsarnaev has thus had 13 months to think about a change of venue and eight months in which to file a motion.

Any additional delay of the filing date will jeopardize the trial date and waste substantial judicial and taxpayer resources. Tsarnaev apparently has engaged an expert to conduct research and perform an expert analysis of the venue issue. The government may thus need to engage its own expert and conduct its own research and expert analysis to draft an informed response. Given that it has taken Tsarnaev eight months to conduct "preliminary research" and have an expert analyze it, the government will likely need at least eight weeks to conduct its own research, obtain expert analysis of it, and draft a response. That means the motion likely will not be decided until a week or two before the beginning of jury selection -- a turn of events guaranteed to waste enormous judicial and taxpayer resources if the motion is granted.

ACCORDINGLY, the government respectfully requests that the Court deny Tsarnaev's motion for an additional enlargement of time to file a motion to change venue.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on this date.

/s/ William D. Weinreb
WILLIAM D. WEINREB